

Proposes Listing Four South Florida Plants as Threatened or Endangered

Questions and Answers

What actions are the Service proposing?

The Service is publishing a rule proposing to list four South Florida plants under the Endangered Species Act (ESA). Proposed threatened status is being proposed for three South Florida plants-- Everglades bully, Florida pineland crabgrass, and pineland sandmat, and endangered status is being proposed for Florida prairie-clover.

Why is the Service proposing these actions?

The Service determined that each of these plants is currently at risk throughout all of their ranges, primarily due to habitat loss and modification. Sea level rise is also a concern. The risk of extinction is high because the plants' populations are small and isolated with limited to no potential for recolonization.

The proposals for these plants allow us to gather public comments that will help the Service make the final decision whether or not to list these plants.

Is a critical habitat designation for these plants part of these listings?

No, but critical habitat will be proposed later in a separate action. A draft economic analysis of the proposed designation will be prepared at the same time.

Can you describe each of these four plants?

Everglades bully

Everglades bully is a perennial single or many-stemmed shrub with white flowers that grows to about three to six feet tall. It is found in pine rocklands, marl prairies, and within the ecotone (areas where these habitats transition into one another) between both habitats. The current range of the Everglades bully consists of 10 populations in Miami-Dade County, including Everglades National Park and an additional small population within Lostman's Pines region of Big Cypress National Preserve in mainland Monroe County.

Florida pineland crabgrass

Florida pineland crabgrass is a small perennial clumping grass, blue-green to gray in color with hairy, reddish-brown stems. Its small flowers are dull green. It is found in pine rocklands, marl prairies, and within the ecotone between both habitats. Florida pineland crabgrass only survives within the Long Pine Key region of Everglades National Park in Miami-Dade County and the Lostman's Pines region of Big Cypress National Preserve in mainland Monroe County. The pineland crabgrass no longer survives at historic Miami-Dade County locations adjacent to Everglades National Park, due largely to habitat loss.

Pineland sandmat

Pineland sandmat is a small perennial herb, with greenish oval-shaped leaves and reddish stems. The extensive root system of pine sandmat indicates that it is a long-lived plant. The sandmat will flower and fruit year-round, with peaks in the fall, as well as after stimulation following a fire. This species can be found in pine rocklands, marl prairies, and within the ecotone between both habitats in Miami-Dade County. The current range of the sandmat consists of 20 populations in Miami-Dade County, including Everglades National Park. One historic population in Larry and Penny Thompson Park, located in Miami-Dade County, are gone due largely to habitat loss.

Florida prairie-clover

Florida prairie-clover is a perennial shrub that grows to about three to six feet tall, with a light brown woody stem and non-woody, light brown or reddish branches. Its flowers are whitish, but turn maroon with age. Fruit is produced in small, hairy, one-seeded pods. The prairie-clover can be found in pine rocklands, rockland hammocks, marl prairies, adjacent roadsides and within the ecotone between these habitats. Florida prairie-clover is extant within Big Cypress National Preserve in mainland Monroe County, as well as in seven locations in Miami-Dade County. It also was reintroduced into Virginia Key. Florida prairie-clover has been extirpated from four historic locations within Miami-Dade County, including Everglades National Park. In addition, the prairie-clover no longer survives in least one location in Palm Beach.

These are candidate species. What does that mean and when were they listed as candidates?

Candidate species are plants and animals for which the Service has sufficient information on their biological status and threats to propose them as endangered or threatened under the ESA, but for which development of a proposed listing regulation is precluded by other higher priority listing activities. All four were first recognized as candidate species on September 27, 1985 (50 FR 39526).

What criteria did the Service use to determine if these plants should be proposed for listing as endangered or threatened?

Under the ESA, the Service can determine that a species is endangered or threatened based on any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) Overutilization for commercial, recreational, scientific, or educational purposes; (C) Disease or predation; (D) The inadequacy of existing regulatory mechanisms; or, (E) Other natural or manmade factors affecting its continued existence. The Service has determined that the threats to these four plants consist primarily of habitat loss and modification through urban and agricultural development, and lack of adequate fire management (Factor A); and proliferation of nonnative invasive plants, random events, such as hurricanes and storm surges, maintenance practices used on roadsides and disturbed sites, and sea level rise (Factor E).

What would Endangered Species Act listing mean for these four plants?

Listed plants are not protected from take, although it is illegal to collect, or maliciously harm them on federal land, or on other lands in knowing violation of state law. The plants cannot be bought, sold or transferred in commercial trade. In addition, states may have their own laws restricting activities involving listed plants.

Everglades bully, Florida pineland crabgrass, pineland sandmat, and Florida prairie-clover are listed on the State of Florida's Regulated Plant Index (as endangered under chapter 5B-40, Florida Administrative Code. This listing provides little or no habitat protection beyond the state's development of a regional impact process, which discloses impacts from projects, but provides no regulatory protection for state-listed plants on private lands.

If the four plants are listed under the ESA, the Service will continue to work cooperatively with partners to conserve their habitat. In addition, federal agencies would need to ensure activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of these plants.

Are some of these plants' populations on private land? If so, what would the listing of these four plants mean for a private landowner?

Yes, some of the plants are on private land. Unless the private property owner modifies his property in some way that requires a federal permit or funding, there would not be any impact to the landowner under federal law. However, any local and/or state laws apply to these plants.

How does the fact that the Everglades bully is found within the Richmond Pine Rockland area of Miami affect the Coral Reef Commons and Miami Wild construction projects?

It has minimal impact because it's not prohibited by the ESA to destroy, damage or move protected plants unless such activities involve an endangered or threatened species on federal land, are federally funded, require a federal permit, or occur in violation of state laws. If a person wishes to develop private land, with no federal jurisdiction involved, in accordance with state law, then the potential destruction, damage, or movement of endangered or threatened plants does not violate the ESA. If the action does need a federal permit (e.g. Clean Water Act Section 404 permit) or involves federal funding, the federal agency would need to consult with the Service to ensure the action does not jeopardize the continued existence of the species.

Plants are the property of the landowner where they grow. The Service hopes that landowners will be good stewards of any federally-listed plants on their property, and the Service has a program -- the Partners for Fish and Wildlife -- which provides landowners with technical and financial assistance to landowners interested in managing their property for the benefit of fish, wildlife and plants.

The Act does make it illegal to engage in interstate or foreign commerce or import or export federally-listed plants; attempt to commit these acts, cause them to be committed, or solicit another to commit them. Otherwise, there are no other implications for private landowners--such as those seeking to develop the proposed Coral Reef Commons and Miami Wild projects.

Can comments regarding the proposed listings of these plants be provided?

Yes. To ensure any final action resulting from the proposed listing of these plants is based on the best scientific data available, the Service is seeking information and comments from all stakeholders and the general public. However, comments simply offering support for, or opposition to, the proposed rule, while noted, are not used in determining a final action. Only those comments supported by additional information or data may affect the final decision.

Further, if requested within 45 days of publication of the proposed rule, the Service will also hold a public hearing to provide an opportunity for members of the public to provide comments.

In addition, in accordance with its policies, the Service will seek peer review during the public comment period to ensure that the proposal is based on scientifically sound data and analyses.

What happens after the public comment period is closed?

Once the 60-day public comment period is closed, the Service will review all of the comments and use them to make a final determination.

In the Service's final rulemaking, it analyzes information received in public comments and testimony. Within one year of a listing proposal, the Service may publish a final listing rule, as originally proposed or later revised, because the best available biological data support it; withdraw the proposal because the biological information does not support the listing; or extend the proposal if there is substantial disagreement within the scientific community concerning the biological appropriateness of the listing. After a six-month extension, it is required to make a decision on the basis of the best scientific information available.

What is the Multi-District Litigation (MDL) workplan?

In 2011, in an effort to improve implementation of the ESA, the Service submitted to the U.S. District Court for the District of Columbia, a multi-year listing work plan that will enable the agency to systematically, over a period of six years, review and address the needs of more than 250 species listed in the 2010 Candidate Notice of Review, to determine if they should be added to the federal list of endangered and threatened species. The intent of the agreement is to conserve species and significantly reduce a litigation-driven workload. For more information, please see <http://www.fws.gov/southeast/candidateconservation/>